IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24680 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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BHIKHIBEN WD/O.RAMANJI RANCHHAJI THAKOR - Petitioner(s)

Versus

STATE OF GUAJRAT THR'CHIEF CONTROLLING REVENUE & 1 - Respondent(s)

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Appearance :
MR MP PRAJAPATI for Petitioner(s) : 1,
GOVERNMENT PLEADER for Respondent(s) : 1,
None for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 27/12/2005

ORAL JUDGMENT

1.In this petition under Article 226 of the Constitution of India, the petitioner has prayed for an appropriate writ, direction or order quashing and setting aside the

communication/notice of December-2005 issued by the respondent No.2 for recovery of the deficit stamp duty pursuant to the order passed by the Deputy Collector, Stamp Duty Valuation, Ahmedabad dated 20.2.2002.

2. It appears from the record that the impugned notice is issued under Section 200 read with Sections 154 and 155 of the Bombay Land Revenue Code for the recovery of the deficit stamp duty pursuant to the order passed by the competent authority under Section 32(A) of the Bombay Stamp Act. It is the contention on behalf of the petitioner that the petitioner has not received any such order dated 20.2.2002 and on receipt of the aforesaid impugned notice, the petitioner has requested by application dated 21.12.2005 to give the petitioner the copy of the order dated 20.2.2002, which has not been given to the petitioner. Unless and until the order passed by the Deputy Collector, Stamp Duty Valuation, Ahmedabad under Section 32(A) of the Bombay Stamp Act is on record, it is not possible for this Court to consider 'whether the order is just and proper or not.'

3. Under the circumstances, the Deputy Collector, Stamp

Duty Valuation, Ahmedabad is directed to furnish/give the petitioner the copy of the order dated 20.2.2002 passed with regard to the document registration No.3754 dated 30th August, 1999 as early as possible preferably within a period of 2 weeks from the date of receipt of this order and thereafter, it will be open for the petitioner to challenge the said order before the appropriate forum.

4.With these observations and direction, the present Special Civil Application is disposed of at this stage.

Direct Service is permitted.

(M.R.SHAH, J.)

kdc.